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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/994,917

11/28/2001

Shinichi Kikuchi

P 284178

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909

7590

11/30/2006

T4KM-01S0956-1

EXAMINER

SHIBRU, HELEN

PILLSBURY WINTHROP SHAW PITTMAN, LLP

P.O. BOX 10500

MCLEAN, VA 22102

ART UNIT

PAPER NUMBER

2621

DATE MAILED: 11/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/994,917

Applicant(s)

KIKUCHI ET AL.

Examiner

HELEN SHIBRU

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 9 and 18-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 9 and 18-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/08/2006 has been entered.

### ***Response to Amendment***

2. The amendments, filed 11/08/2006, have been entered and made of record. Claims 9, and 18-20 are pending.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 9 and 18-20 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 9, 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lynch (US Pat. No. 5,438,423) in view of Miki (US Pat. No. 5,107,481).

Regarding claim 9, Lynch discloses a method of controlling operation of a digital video recording/reproducing apparatus that includes recording section configured to record an input signal (see components 22, 24 and 16), a reproducing section configured to reproduce the recorded input signal (see components 18 and 20 in fig. 1), a display signal output section configured to output a display signal corresponding to at least one of the input signal and the reproduced recorded input signal (see component 20 and col. 2 lines 48-68 and claims 1 and 3), and a control section configured to control the operation of the digital video recording/reproducing apparatus (see component 26 and col. 2 lines 30-43 and col. 3 lines 1-21, and claim 1), said operation including a time slip mode that enables reproduction of the input signal being recorded or compensates for information for a period in which a temporary interruption occurs (see col. 3 lines 30-44 where it shows the video is viewed upon command at any desired rate either fast forward or fast reverse direction) said the method comprising when the time slip mode is entered and subsequent reproducing processing is performed, effecting a fast forward operation or a fast reverse operation in the reproducing processing (see col. 3 lines 13-44).

Claim 9 differs from Lynch in that the claim further commencing recording of the input signal; and when a predetermined storage when a predetermined storage mode is set, commencing storage processing of data corresponding to the input signal, said storage processing being performed using a given buffer area; and when the predetermined storage mode is not set, commencing delete processing that removes the data in the buffer area

In the same field of endeavor Miki discloses a system and method for managing recording areas of an optical disk. Miki discloses executing recording of file data to the allocated

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area by means of recording mechanism (see col. 12 (claim 1)). Miki teaches a recording position deciding means for deciding the recording position of the file by using the used area management information and erased area management information (see col. 5 lines 10-16 and lines 25-34, and component 120 in fig. 1, and fig. 5). Miki further discloses file area management information manage the recording areas of a file (see fig. 9d). Miki further discloses assigning of erased area (see fig. 2 component 201), and if erased area is assigned recording will continue on the designated area. If erased area is not found, assigning of used area will continue. When used area is found, erasing of the previous data will continue using optical disk control section. After the erasure, recording will continue on the designated area (see fig. 2 and col. 5 line 35- col. 6 line 11). Therefore in light of the teaching in Miki, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lynch by determining a designated area in order to manage recording areas.

Apparatus claim 18 is rejected for the same reason as discussed in claim 9 above.

Regarding claim 19, Lynch discloses display signal output section is configured to output the display signal corresponding to the external input signal and the reproduced recorded external input signal, to thereby display both images of the external input signal and the reproduced recorded external input signal on a same display screen (see col. 2 lines 30-67 and col. 3 lines 39-65).

Regarding claim 20, Lynch discloses the display signal corresponds to the external input signal and the reproduced recorded external input signal (see col. 2 lines 30-44, the stored video are playing back), said method further comprising:

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displaying both images of the external input signal and the reproduced recorded external input signal on a same display screen (see col. 2 lines 44-68).

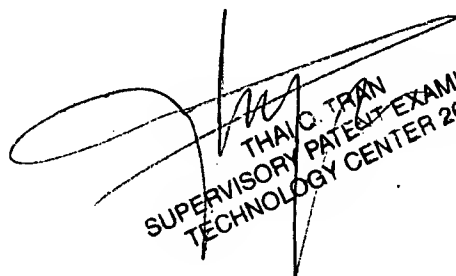
***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571) 272-7329. The examiner can normally be reached on M-F, 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Helen Shibru  
November 22, 2006

  
THAI Q. TRAN  
SUPERVISORY PATENT EXAMINER  
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